



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

January 14, 2004

SUBJECT: **2003-0903:** Application for a 8,462 square foot site located at **777 The Dalles** in a R-0 (Low Density Residential) Zoning District (APN: 323-15-038):

Motion **Variance** from SMC 19.46.060 (a) (4) to allow a 14 foot front-yard setback where 20 ft. is required.

REPORT IN BRIEF

Existing Site Conditions Single-family home

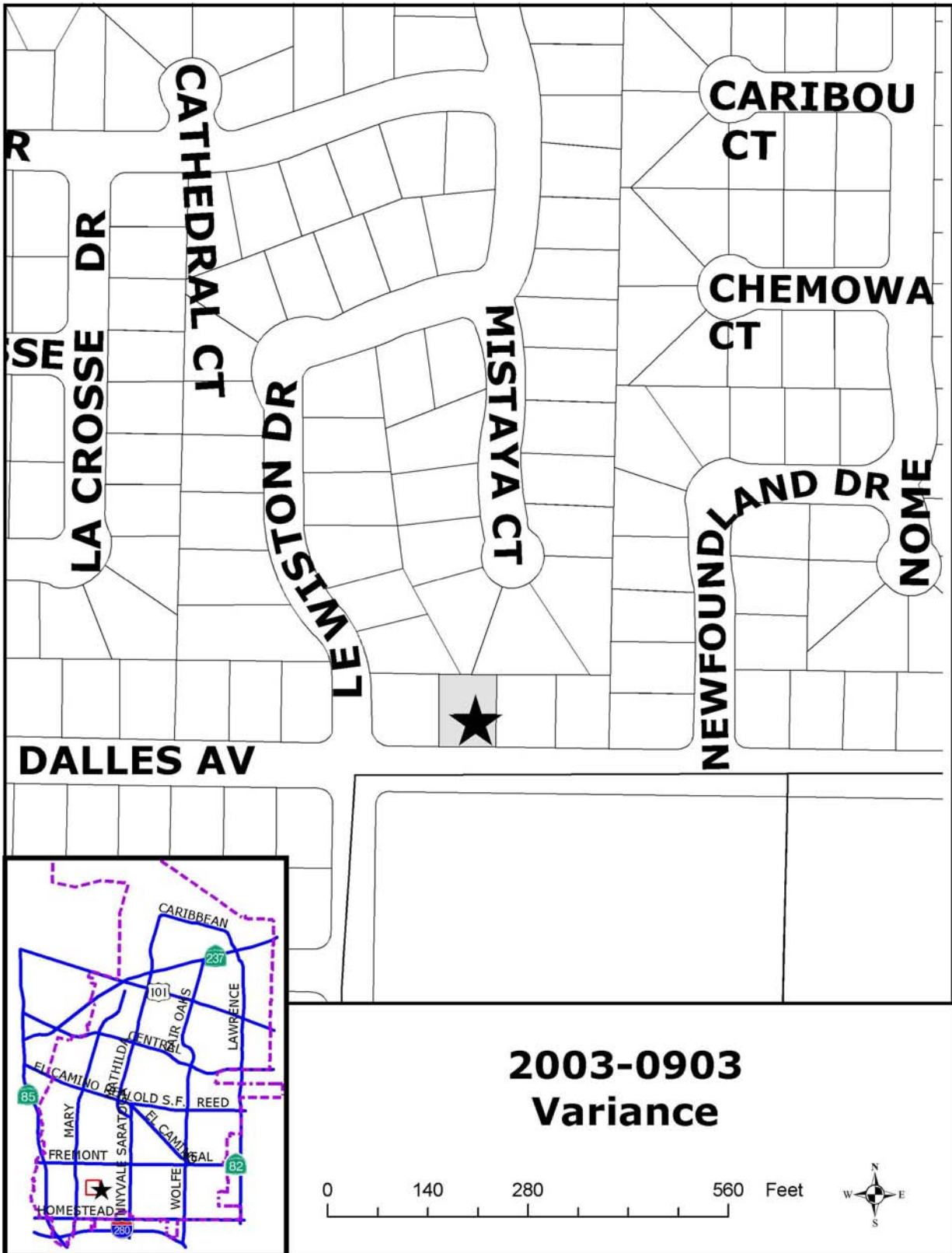
Surrounding Land Uses

North	Single-Family Residential
South	Serra Park
East	Single-Family Residential
West	Single-Family Residential

Issues Compatibility with the Neighborhood

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Deny the Variance



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Low Density Residential	Same	Low Density Residential
Zoning District	R-1	Same	R-1
Lot Size (s.f.)	8,462	Same	8,000 min.
Gross Floor Area (s.f.)	2,102.8	2,493.3	No max.
Lot Coverage (%)	24.8%	29.5%	45% max.
No. of Units	1	Same	1 max.
Building Height (ft.)	18	Same	30 max.
No. of Stories	1	Same	2 max.
Setbacks (facing prop.)			
• Front	21 ft.	14 ft.	20 ft. min.
• Left Side	13 ft. 4 in.	6 ft. 4 in.	6 ft. min.
• Right Side	13 ft. 4 in.	Same	9 ft. min.
• Rear	24 ft. 4 in.	Same	20 ft. min.
Parking			
• Total No. of Spaces	3	4	4 min.
• No. of Covered Spaces	1	2	2 min.

★ Stars indicate requested Variances from code requirements.

ANALYSIS**Background**

Previous Actions on the Site: There are no previous planning applications for the subject site.

In 1968, a building permit was obtained to convert the original two-car garage into a one-car garage. At that time, this action did not require replacement of the covered parking space.

Description of Proposed Project

The proposed project consists of one-story additions to the side and front of a one-story house. The left-side addition expands the kitchen and dining area. The front yard addition expands the one-car garage into a two-car garage, encroaching 6 ft. into the front yard setback requirement of 20 ft. Due to the encroachment, this garage addition requires approval of a Variance

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor additions to existing facilities.

Variance

Use: The proposed use is an expansion of a kitchen, dining room and garage in a single family home.

Site Layout: The existing one-story house is centered in the middle of the lot with a side-loading garage located 20 ft. back from the property line. The kitchen and dining room expansion have a side-yard setback of 6 ft. 4 in., meeting the requirements for the R-1 Zoning District. The garage addition extends the garage an additional 6 ft., creating a 14 ft. front-yard setback where 20 ft. is required to accommodate two cars in the garage.

Architecture: The existing house is a one-story ranch home with a brick and wood siding exterior. The same materials and architectural styles will be used for the proposed addition.

Parking/Circulation: The house currently has one covered parking space and two uncovered spaces on the driveway. The proposed garage expansion has dimensions of 20 ft. in width by 21 ft. in depth and over 400 sq. ft. in area to accommodate the parking of two vehicles and bring the property into conformance with current Code requirements.

Compliance with Development Standards

In March 2003, the City Council approved new regulations requiring upgrading of covered parking in conjunction with single-family home additions over a certain size. Sunnyvale Municipal Code (SMC) 19.46.060 (a) (4) requires single-family home additions which expand the size beyond 1,800 sq. ft. to provide two covered and two uncovered spaces. To accommodate the expansion of the dining room and kitchen, the applicant is proposing to extend the garage 6

additional feet, requiring a Variance from SMC 19.34.030 for a 14 ft. front-yard setback where 20 ft. is required in the R-1 Zoning District.

If the Variance is denied, the applicant would have to reconvert the garage into two-covered parking spaces in order to add any further square footage to the home.

Otherwise, the proposed project meets all development standards including lot coverage, side and rear yard setbacks and uncovered parking.

Expected Impact on the Surroundings

The proposed garage addition would not have a significant privacy impact on the surrounding neighbors. There would be a visual impact on the street as the garage would be closer to the sidewalk than the surrounding structures.

Findings, General Plan Goals and Conditions of Approval

Staff is recommending denial for this project because the Findings (Attachment 1) were not made; however, if the Administrative Hearing Officer is able to make the required findings, staff is recommending the Conditions of Approval (Attachment 2).

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the adjacent property owners of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Deny the Variance.
2. Approve the Variance with the conditions suggested by staff.
3. Approve the Variance with modified conditions.

Recommendation

Alternative 1.

Prepared by:

Diana O'Dell
Project Planner

Reviewed by:

Fred Bell
Principal Planner

Attachments:

1. Findings
2. Conditions of Approval
3. Site and Architectural Plans
4. Letter from the Applicant

Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. *(Finding Not Made)*
 - The lot size is standard for the surrounding area and the Zoning District.
 - The house plan is typical for the neighborhood.
 - The proposed use is not exceptional or extraordinary for the surrounding neighborhood.
 - However, staff was not able to find many other instances on The Dalles where the garage had been converted previously. This appears to be an unusual circumstance.

Overall, staff is not able to make the finding that exceptional circumstances apply to this lot, necessitating the Variance.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. *(Finding Made)*

The reduction in front yard setback will not create a privacy impact for the surrounding neighbors or create a significantly detrimental visual impact on the streetscape. Staff is able to make this finding.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. *(Finding Not Made)*

The intent of the front-yard setback ordinance is to create a compatible neighborhood setback with adequate distance between the buildings and the streets. The other properties on this street meet the 20 ft setback and the proposed 14 ft. setback would be 6 ft. closer than the rest of the structures on the street. Staff believes this is incompatible with the character of the neighborhood and finds that granting this Variance would be a special privilege.

Conditions of Approval - Variance

Staff recommends denial of the Variance. However, if the Hearing Officer is able to make the required findings, staff is recommending the following Conditions of Approval.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions, the Permittee expressly accepts and agrees to comply with the following Condition of Approval for this Permit.

1. The Variance shall expire two years from the date of approval by the final review authority if not executed or if the use is discontinued.
2. The Variance and approved Design Review shall be valid only in conjunction with detailed plans as submitted or as may be modified by the reviewing authority of the City during a public hearing. Minor changes of the approved plans may be approved administratively by the Director of Community Development. This Variance approval is for a front yard setback of 14 ft. where 20 ft. is required.
3. Roof materials and exterior materials and colors of the addition shall match the existing house. This shall be noted on plans submitted for the building permit.
4. The applicant shall obtain a building permit.
5. The applicant/property owner shall reproduce the Conditions of Approval on the Title Page of the plans submitted for a building permit for this project.